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# NORTH AMERICAN REVIEW.

No. CCLXIV.

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SEPTEMBER-OCTOBER, 1878.

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I.

## KIN BEYOND SEA.

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It is now nearly half a century since the works of De Tocqueville and De Beaumont, founded upon personal observation, brought the institutions of the United States effectually within the circle of European thought and interest. They were co-operators, but not upon an equal scale. De Beaumont belongs to the class of ordinary though able writers: De Tocqueville was the Burke of his age, and his treatise upon America may well be regarded as among the best books hitherto produced for the political student of all times and countries.

But higher and deeper than the concern of the Old World at large in the thirteen colonies, now grown into thirty-eight States, besides eight Territories, is the special interest of England in their condition and prospects.

I do not speak of political controversies between them and us, which are happily, as I trust, at an end. I do not speak of the vast contribution which from year to year, through the operations of a colossal trade, each makes to the wealth and comfort of the other; nor of the friendly controversy, which in its own place it might be well to raise, between the leanings of America to protectionism, and the more daring reliance of the old country upon free and unrestricted intercourse with all the world; nor

of the menace which, in the prospective development of her resources, America offers to the commercial preëminence of England. On this subject I will only say that it is she alone who, at a coming time, can, and probably will, wrest from us that commercial primacy. We have no title, I have no inclination, to murmur at the prospect. If she acquires it, she will make the acquisition by the right of the strongest; but, in this instance, the strongest means the best. She will probably become what we are now, the head servant in the great household of the world, the employer of all employed, because her service will be the most and ablest. We have no more title against her than Venice, or Genoa, or Holland, has had against us. One great duty is entailed upon us, which we, unfortunately, neglect—the duty of preparing, by a resolute and sturdy effort, to reduce our public burdens, in preparation for a day when we shall probably have less capacity than we have now to bear them.

Passing by all these subjects, with their varied attractions, I come to another, which lies within the tranquil domain of political philosophy. The students of the future, in this department, will have much to say in the way of comparison between American and British institutions. The relationship between these two is unique in history. It is always interesting to trace and to compare constitutions, as it is to compare languages; especially in such instances as those of the Greek states and the Italian republics, or the diversified forms of the feudal system in the different countries of Europe. But there is no parallel in all the records of the world to the case of that prolific British mother who has sent forth her innumerable children over all the earth, to be the founders of half a dozen empires. She, with her progeny, may almost claim to constitute a kind of universal church in politics. But, among these children, there is one whose place in the world's eye and in history is superlative: it is the American Republic. She is the eldest born. She has, taking the capacity of her land into view as well as its mere measurement, a natural base for the greatest continuous empire ever established by man. And it may be well here to mention, what has not always been sufficiently observed, that the distinction between continuous empire, and empire severed and dispersed over sea, is vital. The development which the republic has effected has been unex-

amplified in its rapidity and force. While other countries have doubled, or at most trebled, their population, she has risen, during one single century of freedom, in round numbers, from two millions to forty-five. As to riches, it is reasonable to establish, from the decennial stages of the progress thus far achieved, a series for the future; and, reckoning upon this basis, I suppose that the very next census, in the year 1880, will exhibit her to the world as certainly the wealthiest of all the nations. The huge figure of £1,000,000,000, which may be taken roundly as the annual income of the United Kingdom, has been reached at a surprising rate; a rate which may perhaps be best expressed by saying that, if we had started forty or fifty years ago from zero, at the rate of our recent annual increment, we should now have reached our present position. But while we have been advancing with this portentous rapidity, America is passing us by in a canter. Yet even now the work of searching the soil and the bowels of the territory, and opening out her enterprise throughout its vast expanse, is in its infancy. The England and the America of the present are probably the two strongest nations of the world. But there can hardly be a doubt, as between the America and the England of the future, that the daughter, at some no very distant time, will, whether fairer or less fair, be unquestionably yet stronger than the mother.

“O matre forti filia fortior.”\*

But all this pompous detail of material triumphs, whether for the one or for the other, is worse than idle, unless the men of the two countries shall remain, or shall become, greater than the mere things that they produce, and shall know how to regard those things simply as tools and materials for the attainments of the highest purposes of their being. Ascending, then, from the ground-floor of material industry toward the regions in which these purposes are to be wrought out, it is for each nation to consider how far its institutions have reached a state in which they can contribute their maximum to the store of human happiness and excellence. And for the political student all over the world it will be beyond anything curious as well as useful to examine with what diversities, as well as what resemblances, of apparatus

\* Altered from Hor., Od. I., 16.

the two greater branches of a race born to command have been minded, or induced, or constrained, to work out, in their sea-severed seats, their political destinies according to their respective laws.

No higher ambition can find vent in a paper such as this than to suggest the position and claims of the subject, and slightly to indicate a few outlines, or at least fragments, of the working material.

In many and the most fundamental respects the two still carry in undiminished, perhaps in increasing, clearness the notes of resemblance that beseech a parent and a child.

Both wish for self-government; and, however grave the drawbacks under which in one or both it exists, the two have, among the great nations of the world, made the most effectual advances toward the true aim of rational politics.

They are similarly associated in their fixed idea that the force in which all government takes effect is to be constantly backed, and, as it were, illuminated, by thought in speech and writing. The ruler of St. Paul's time "bare the sword" (Rom. xiii. 4). Bare it, as the apostle says, with a mission to do right; but he says nothing of any duty, or any custom, to show by reason that he was doing right. Our two governments, whatsoever they do, have to give reasons for it; not reasons which will convince the unreasonable, but reasons which on the whole will convince the average mind, and carry it unitedly forward in a course of action, often though not always wise, and bearing within itself provisions, where it is unwise, for the correction of its own un-wisdom before it grow to an intolerable rankness. They are governments, not of force only, but of persuasion.

Many more are the concords, and not less vital than these, of the two nations as expressed in their institutions. They alike prefer the practical to the abstract. They tolerate opinion, with only a reserve on behalf of decency; and they desire to confine coercion to the province of action, and to leave thought, as such, entirely free. They set a high value on liberty for its own sake. They desire to give full scope to the principles of self-reliance in the people, and they deem self-help to be immeasurably superior to help in any other form—to be the only help, in short, which ought not to be continually, or periodically, put upon its trial, and

required to make good its title. They mistrust and dislike the centralization of power; and they cherish municipal, local, even parochial liberties, as nursery-grounds, not only for the production here and there of able men, but for the general training of public virtue and independent spirit. They regard publicity as the vital air of politics; through which alone, in its freest circulation, opinions can be thrown into common stock for the good of all, and the balance of relative rights and claims can be habitually and peaceably adjusted. It would be difficult, in the case of any other pair of nations, to present an assemblage of traits at once so common and so distinctive as has been given in this probably imperfect enumeration.

There were, however, the strongest reasons why America could not grow into a reflection or repetition of England. Passing from a narrow island to a continent almost without bounds, the colonists at once and vitally altered their conditions of thought, as well as of existence, in relation to the most important and most operative of all social facts, the possession of the soil. In England, inequality lies imbedded in the very base of the social structure; in America, it is a late, incidental, unrecognized product, not of tradition, but of industry and wealth, as they advance with various and, of necessity, unequal steps. Heredity, seated as an idea in the heart's core of Englishmen, and sustaining far more than it is sustained by those of our institutions which express it, was as truly absent from the intellectual and moral store with which the colonists traversed the Atlantic as if it had been some forgotten article in the bills of lading that made up their cargoes. Equality combined with liberty, and renewable at each descent from one generation to another, like a lease with stipulated breaks, was the groundwork of their social creed. In vain was it sought, by arrangements such as those concocted with the name of Baltimore or of Penn, to qualify the action of those overpowering forces which so determined the case. Slavery itself, strange as it now must seem, failed to impair the theory, however it may have imported into the practice a hideous solecism. No hardier republicanism was generated in New England than in the slave States of the South, which produced so many of the great statesmen of America.

It may be said that the North, and not the South, had the

larger number of colonists, and was the centre of those commanding moral influences which gave to the country as a whole its political and moral atmosphere. The type and form of manhood for America was supplied neither by the Recusant in Maryland, nor by the Cavalier in Virginia, but by the Puritan of New England; and it would have been a form and type widely different, could the colonization have taken place a couple of centuries, or a single century, sooner. Neither the Tudor nor even the Plantagenet period could have supplied its special form. The Reformation was a cardinal factor in its production; and this in more ways than one.

Before that great epoch, the political forces of the country were represented on the whole by the monarch on one side, and the people on the other. In the people, setting aside the latent vein of Lollardism, there was a general homogeneity with respect to all that concerned the relation of governors and governed. In the deposition of sovereigns, the resistance to abuses, the establishment of institutions for the defense of liberty, there were no two parties to divide the land. But, with the Reformation, a new dualism was sensibly developed among us. Not a dualism so violent as to break up the national unity, but yet one so marked and substantial that thenceforward it was very difficult for any individual or body of men to represent the entire English character, and the old balance of its forces. The wrench which severed the Church and people from the Roman obedience left for domestic settlement thereafter a tremendous internal question, between the historical and the new, which in its milder forms perplexes us to this day. Except during the short reign of Edward VI., the civil power, in various methods and degrees, took what may be termed the traditionary side, and favored the development of the historical more than the individual aspect of the national religion. These elements confronted one another during the reigns of the earlier Stuarts, not only with obstinacy but with fierceness. There had grown up with the Tudors, from a variety of causes, a great exaggeration of the idea of royal power; and this arrived, under James I. and Charles I., at a rank maturity. Not less but even more masculine and determined was the converse development. Mr. Hallam saw, and has said, that at the outbreak of the Great Rebellion the old British Constitution was in danger, not from

one party but from both. In that mixed fabric had once been harmonized the ideas both of religious duty and of allegiance as related to it, which were now held in severance. The hardest and dominating portion of the American colonists represented that severance in its extremest form, and had dropped out of the order of the ideas, which they carried across the water, all those elements of political Anglicism which give to aristocracy in this country a position only second in strength to that of freedom. State and Church alike had frowned upon them; and their strong reaction was a reaction of their entire nature, alike of the spiritual and the secular man. All that was democratic in the policy of England, and all that was Protestant in her religion, they carried with them, in pronounced and exclusive forms, to a soil and a scene singularly suited for their growth.

It is to the honor of the British monarchy that, upon the whole, it frankly recognized the facts, and did not pedantically endeavor to constrain by artificial and alien limitations the growth of the infant states. It is a thing to be remembered that the accusations of the colonies in 1776 were entirely leveled at the reigning king, and that a true acquittal was thus given by them to every preceding reign. Their infancy had been upon the whole what their manhood was to be, self-governed and republican. Their Revolution, as we call it, was like ours in the main, a vindication of liberties inherited and possessed. It was a conservative revolution; and the happy result was that, notwithstanding the sharpness of the collision with the mother-country and with domestic loyalism, the thirteen colonies made provision for their future in conformity, as to all that determined life and manners, with the recollections of their past. The two constitutions of the two countries express indeed rather the differences than the resemblances of the nations. The one is a thing grown, the other a thing made: the one a *praxis*, the other a *poiesis*: the one the offspring of tendency and indeterminate time, the other of choice and of an epoch. But, as the British Constitution is the most subtle organism which has proceeded from the womb and the long gestation of progressive history, so the American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man. It has had a century of trial, under the pressure of exigencies caused



by an expansion unexampled in point of rapidity and range; and its exemption from formal change, though not entire, has certainly proved the sagacity of the constructors, and the stubborn strength of the fabric.

One whose life has been greatly absorbed in working, with others, the institutions of his own country, has not had the opportunities necessary for the careful and searching scrutiny of institutions elsewhere. I should feel, in looking at those of America, like one who attempts to scan the stars with the naked eye. My notices can only be few, faint, and superficial; they are but an introduction to what I have to say of my own country. A few sentences will dispose of them.

America, whose attitude toward England has always been masculine and real, has no longer to anticipate at our hands the frivolous and offensive criticisms which were once in vogue among us. But neither nation prefers (and it would be an ill sign if either did prefer) the institutions of the other; and we certainly do not contemplate the great Republic in the spirit of mere optimism. We see that it has a marvelous and unexampled adaptation for its peculiar vocation; that it must be judged, not in the abstract, but under the fore-ordered laws of its existence; that it has purged away the blot with which we brought it into the world; that it bravely and vigorously grapples with the problem of making a continent into a state; and that it treasures with fondness the traditions of British antiquity, which are in truth unconditionally its own, as well, and as much, as they are ours. The thing that perhaps chiefly puzzles the inhabitants of the old country is, why the American people should permit their entire existence to be continually disturbed by the business of the presidential elections; and, still more, why they should raise to its maximum the intensity of this perturbation by providing, as we are told, for what is termed a clean sweep of the entire civil service, in all its ranks and departments, on each accession of a Chief Magistrate. We do not perceive why this arrangement is more rational than would be a corresponding usage in this country on each change of ministry. Our practice is as different as possible. We limit to a few scores of persons the removals and appointments on these occasions; although our ministries seem to us, not unfrequently, to be more sharply severed from one another,

in principle and tendency, than are the successive Presidents of the great Union.

It would be out of place to discuss in this article occasional phenomena of local corruption in the United States, by which the nation at large can hardly be touched ; or the mysterious manipulations of votes for the presidency, which are now understood to be under examination ; or the very curious influences which are shaping the politics of the negroes and of the South. These last are corollaries to the great slave-question ; and it seems very possible that after a few years we may see most of the laborers, both in the Southern States and in England, actively addicted to the political support of that section of their countrymen who to the last had resisted their emancipation.

But if there be those in this country who think that American democracy means public levity and intemperance, or a lack of skill and sagacity in politics, or the absence of self-command and self-denial, let them bear in mind a few of the most salient and recent facts of history, which may profitably be recommended to their reflections. We emancipated a million of negroes by peaceful legislation ; America liberated four or five millions by a bloody civil war ; yet the industry and exports of the Southern States are maintained, while those of our negro colonies have dwindled ; the South enjoys all its franchises, but we have, *proh pudor !* found no better method of providing for peace and order in Jamaica, the chief of our islands, than by the hard and vulgar, even where needful, expedient of abolishing entirely its representative institutions.

The civil war compelled the States, both North and South, to train and embody a million and a half of men, and to present to view the greatest, instead of the smallest, armed forces in the world. Here there was supposed to arise a double danger. First, that, on a sudden cessation of the war, military life and habits could not be shaken off, and, having become rudely and widely predominant, would bias the country toward an aggressive policy, or, still worse, would find vent in predatory or revolutionary operations. Secondly, that a military caste would grow up, with its habits of exclusiveness and command, and would influence the tone of politics in a direction adverse to republican freedom. But both apprehensions proved to be wholly imaginary. The innu-

merable soldiery was at once dissolved. Cincinnatus, no longer a unique example, became the commonplace of every day, the type and mould of a nation. The whole enormous mass quietly resumed the habits of social life. The generals of yesterday were the editors, the secretaries, and the solicitors, of to-day. The just jealousy of the state gave life to the now-forgotten maxim of Judge Blackstone, who denounced as perilous the erection of a separate profession of arms in a free country. The standing army, expanded by the heat of civil contest to gigantic dimensions, settled down again into the framework of a miniature with the returning temperature of civil life, and became a power wellnigh invisible, from its minuteness, amid the powers which sway the movements of a society exceeding forty millions.

More remarkable still was the financial sequel to the great conflict. The internal taxation for Federal purposes, which before its commencement had been unknown, was raised, in obedience to an exigency of life and death, so as to exceed every present and every past example. It pursued and worried all the transactions of life. The interest of the American debt grew to be the highest in the world, and the capital touched £560,000,000. Here was provided for the faith and patience of the people a touchstone of extreme severity. In England, at the close of the great French war, the propertied classes, who were supreme in Parliament, at once rebelled against the Tory Government, and refused to prolong the income-tax even for a single year. We talked big, both then and now, about the payment of our national debt; but sixty-three years have now elapsed, all of them except two called years of peace, and we have reduced the huge total by about one-ninth; that is to say, by little over £100,000,000, or scarcely more than £1,500,000 a year. This is the conduct of a state elaborately digested into orders and degrees, famed for wisdom and forethought, and consolidated by a long experience. But America continued long to bear, on her unaccustomed and still smarting shoulders, the burden of the war taxation. In twelve years she has reduced her debt by £158,000,000, or at the rate of £13,000,000 for every year. In each twelve months she has done what we did in eight years; her self-command, self-denial, and wise forethought for the future have been, to say the least, eightfold ours. These are facts which redound greatly to her honor; and the his-

torian will record with surprise that an enfranchised nation tolerated burdens which in this country a selected class, possessed of the representation, did not dare to face, and that the most unmitigated democracy known to the annals of the world resolutely reduced at its own cost prospective liabilities of the state, which the aristocratic, and plutocratic, and monarchical Government of the United Kingdom has been contented ignobly to hand over to posterity. And such facts should be told out. It is our fashion so to tell them, against as well as for ourselves; and the record of them may some day be among the means of stirring us up to a policy more worthy of the name and fame of England.

It is true, indeed, that we lie under some heavy and, I fear, increasing disadvantages, which amount almost to disabilities. Not, however, any disadvantage respecting power, as power is commonly understood. But, while America has a nearly homogeneous country, and an admirable division of political labor between the States individually and the Federal Government, we are, in public affairs, an overcharged and overweighted people. We have undertaken the cares of empire upon a scale, and with a diversity, unexampled in history; and, as it has not yet pleased Providence to endow us with brain-force and animal strength in an equally abnormal proportion, the consequence is that we perform the work of government, as to many among its more important departments, in a very superficial and slovenly manner. The affairs of the three associated kingdoms, with their great diversities of law, interest, and circumstance, make the government of them, even if they stood alone, a business more voluminous, so to speak, than that of any other 33,000,000 civilized men. To lighten the cares of the central Legislature by judicious devolution, it is probable that much might be done; but nothing is done, or even attempted to be done. The greater colonies have happily attained to a virtual self-government; yet the aggregate mass of business connected with our colonial possessions continues to be very large. The Indian Empire is of itself a charge so vast, and demanding so much thought and care, that, if it were the sole transmarine appendage to the crown, it would amply tax the best ordinary stock of human energies. Notoriously, it obtains from the Parliament only a small fraction of the attention it deserves. Questions affecting individuals, again, or small

interests, or classes, excite here a greater interest, and occupy a larger share of time, than perhaps in any other community. In no country, I may add, are the interests of persons or classes so favored when they compete with those of the public; and in none are they more exacting, or more wakeful to turn this advantage to the best account. With the vast extension of our enterprise and our trade comes a breadth of liability not less large, to consider everything that is critical in the affairs of foreign states; and the real responsibilities, thus existing for us, are unnaturally inflated by fast-growing tendencies toward exaggeration of our concern in these matters, and even toward setting up fictitious interests in cases where none can discern them except ourselves, and such Continental friends as practise upon our credulity and our fears for purposes of their own. Last of all, it is not to be denied that in what I have now been saying I do not represent the public sentiment. The nation is not at all conscious of being overdone. The people see that their House of Commons is the hardest working legislative assembly in the world; and, this being so, they assume it is all right. Nothing pays better, in point of popularity, than those gratuitous additions to obligations already beyond human strength, which look like accessions or assertion of power; such as the annexation of new territory, or the silly transaction known as the purchase of shares in the Suez Canal.

All my life long I have seen this excess of work as compared with the power to do it; but the evil has increased with the surfeit of wealth, and there is no sign that the increase is near its end. The people of this country are a very strong people; but there is no strength that can permanently endure, without provoking inconvenient consequences, this kind of political debauch. It may be hoped, but it cannot be predicted, that the mischief will be encountered and subdued at the point where it will have become sensibly troublesome, but will not have grown to be irremediable.

The main and central point of interest, however, in the institutions of a country is the manner in which it draws together and compounds the public forces in the balanced action of the state. It seems plain that the formal arrangements for this purpose in America are very different from ours. It may even be a

question whether they are not, in certain respects, less popular ; whether our institutions do not give more rapid effect than those of the Union, to any formed opinion, and resolved intention, of the nation.

In the formation of the Federal Government we seem to perceive three stages of distinct advancement : 1. The formation of the Confederation, under the pressure of the War of Independence. 2. The Constitution, which placed the Federal Government in defined and direct relation with the people inhabiting the several States. 3. The struggle with the South, which for the first time, and definitely, decided that to the Union, through its Federal organization, and not to the State governments, were reserved all the questions not decided and disposed of by the express provisions of the Constitution itself. The great *arcanum imperii*, which with us belongs to the three branches of the Legislature, and which is expressed by the current phrase, "omnipotence of Parliament," thus became the acknowledged property of the three branches of the Federal Legislature ; and the old and respectable doctrine of State independence is now no more than an archæological relic, a piece of historical antiquarianism. Yet the actual attributions of the State authorities cover by far the largest part of the province of government ; and, by this division of labor and authority, the problem of fixing for the nation a political centre of gravity is divested of a large part of its difficulty and danger, in some proportion to the limitations of the working precinct. Within that precinct the initiation, as well as the final sanction in the great business of finance, is made over to the popular branch of the Legislature, and a most interesting question arises upon the comparative merits of this arrangement, and of our own method, which theoretically throws upon the crown the responsibility of initiating public charge, and under which, until a recent period, our practice was in actual, and even close, correspondence with this theory. We next come to a difference still more marked. The Federal Executive is born anew of the nation at the end of each four years, and dies at the end. But, during the course of those years, it is independent, in the person both of the President and of his ministers, alike of the people, of their representatives, and of that remarkable body, the most remarkable of all the inventions of modern politics, the

Senate of the United States. In this important matter, whatever be the relative excellences and defects of the British and American systems, it is most certain that nothing would induce the people of this country, or even the Tory portion of them, to exchange our own for theirs.

It may, indeed, not be obvious to the foreign eye what is the exact difference of the two. Both the representative Chambers hold the power of the purse. But in America its conditions are such that it does not operate in any way on behalf of the Chamber or of the nation, as against the Executive. In England, on the contrary, its efficiency has been such that it has worked out for itself channels of effective operation, such as to dispense with its direct use, and avoid the inconveniences which might be attendant upon that use. A vote of the House of Commons, declaring a withdrawal of its confidence, has always sufficed for the purpose of displacing a ministry; nay, persistent obstruction of its measures, and even lighter causes, have conveyed the hint, which has been obediently taken. But the people, how is it with them? Do not they in England part with their power, and make it over to the House of Commons, as completely as the American people part with it to the President? They give it over for four years; we for a period which on the average is somewhat more: they, to resume it at a fixed time; we, on an unfixed contingency, and at a time which will finally be determined, not according to the popular will, but according to the views which a ministry may entertain of its duty or convenience.

All this is true; but it is not the whole truth. In the United Kingdom, the people as such cannot commonly act upon the ministry as such. But mediately, though not immediately, they gain the end: for they can work upon that which works upon the ministry, namely, on the House of Commons. Firstly, they have not renounced, like the American people, the exercise of their power for a given time; and they are at all times free by speech, petition, public meeting, to endeavor to get it back in full by bringing about a dissolution. Secondly, in a Parliament with nearly 660 members, vacancies occur with tolerable frequency; and, as they are commonly filled up forthwith, they continually modify the color of the Parliament, conformably, not to the past, but to the present feeling of the nation; or, at least, of the con-

stituency, which for practical purposes is different indeed, yet not very different. But, besides exercising a limited positive influence on the present, they supply a much less limited indication of the future. Of the members who at a given time sit in the House of Commons, the vast majority, probably more than nine-tenths, have the desire to sit there again, after a dissolution which may come at any moment. They therefore study political weather-wisdom, and in varying degrees adapt themselves to the indications of the sky. It will now be readily perceived how the popular sentiment in England, so far as it is awake, is not meanly provided with the ways of making itself respected, whether for the purpose of displacing and replacing a ministry, or of constraining it (as sometimes happens) to alter or reverse its policy, sufficiently, at least, to conjure down the gathering and muttering storm.

It is true, indeed, that every nation is of necessity, to a great extent, in the condition of the sluggard with regard to public policy; hard to rouse, harder to keep aroused, sure after a little while to sink back into his slumber. They have a vast but an encumbered power; and, in their struggles with overweening authority, or with property, the excess of force, which they undoubtedly possess, is more than counterbalanced by the constant wakefulness of the adversary, by his knowledge of their weakness, and by his command of opportunity. But this is a fault lying rather in the conditions of human life, than in political institutions. There is no known mode of making attention and inattention equal in their results. It is enough to say that in England, when the nation can attend, it can prevail. So we may say, then, that in the American Union the Federal Executive is independent for each four years both of the Congress and of the people. But the British ministry is largely dependent on the people whenever the people firmly will it; and is always dependent on the House of Commons, except when it can safely and effectually appeal to the people.

So far, so good. But if we wish really to understand the manner in which the queen's Government over the British Empire is carried on, we must now prepare to examine into sharper contrasts than any which our path has yet brought into view. The power of the American Executive resides in the person of



the actual President, and passes from him to his successor. His ministers, grouped around him, are the servants, not only of his office, but of his mind. The intelligence which carries on the Government has its main seat in him. The responsibility of failures is understood to fall on him; and it is round his head that success sheds its halo. The American Government is described truly as a government composed of three members, of three powers distinct from one another. The English Government is likewise so described, not truly, but conventionally. For in the English Government there has gradually formed itself a fourth power, entering into and sharing the vitality of each of the other three, and charged with the business of holding them in harmony as they march.

This fourth power is the ministry, or more properly the cabinet. For the rest of the ministry is subordinate and ancillary; and, though it largely shares in many departments the labors of the cabinet, yet it has only a secondary and derivative share in the higher responsibilities. No account of the present British Constitution is worth having, which does not take this fourth power largely and carefully into view. And yet it is not a distinct power, made up of elements unknown to the other three; any more than a sphere contains elements other than those referable to the three coördinates which determine the position of every point in space. The fourth power is parasitical to the three others; and lives upon their life, without any separate existence. One portion of it forms a part, which may be termed an integral part, of the House of Lords, another of the House of Commons; and the two conjointly, nestling within the precinct of royalty, form the inner council of the crown, assuming the whole of its responsibilities, and in consequence wielding, as a rule, its powers. The cabinet is the threefold hinge that connects together for action the British Constitution of king or queen, Lords, and Commons. Upon it is concentrated the whole strain of the Government, and it constitutes from day to day the true centre of gravity for the working system of the state, although the ultimate superiority of force resides in the representative Chamber.

There is no statute or legal usage of this country which requires that the ministers of the crown should hold seats in the

one or the other House of Parliament. It is, perhaps, upon this account that, while most of my countrymen would, as I suppose, declare it to be a becoming and convenient custom, yet comparatively few are aware how near the seat of life the observance lies, how closely it is connected with the equipoise and unity of the social forces. It is rarely departed from, even in an individual case; never, as far as my knowledge goes, on a wider scale. From accidental circumstances it happened that I was a Secretary of State between December, 1845, and July, 1846, without a seat in the House of Commons. This (which did not pass wholly without challenge) is, I believe, by much the most notable instance for the last fifty years; and it is only within the last fifty years that our constitutional system has completely settled down. Before the reform of Parliament it was always easy to find a place for a minister excluded from his seat; as Sir Robert Peel, for example, ejected from Oxford University, at once found refuge and repose in Tamworth. I desire to fix attention on the identification, in this country, of the minister and the member of a House of Parliament. It is, as to the House of Commons especially, an inseparable and vital part of our system. The association of the ministers with the Parliament, and through the House of Commons with the people, is the counterpart to their association as ministers with the crown and the prerogative. The decisions that they take are taken under the competing pressure of a bias this way and a bias that way, and strictly represent what is termed in mechanics the composition of forces. Upon them, thus placed, it devolves to provide that the Houses of Parliament shall loyally counsel and serve the crown, and that the crown shall act strictly in accordance with its obligations to the nation. I will not presume to say whether the adoption of the rule in America would or would not lay the foundation of a great change in the Federal Constitution; but I am quite sure that the abrogation of it in England would either alter the form of government, or bring about a crisis. That it conduces to the personal comfort of ministers I will not undertake to say. The various currents of political and social influences meet edgewise in their persons, much like the conflicting tides in St. George's Channel or the Straits of Dover; for while they are the ultimate regulators of the relations between the crown on the one side, and the

people through the Houses of Parliament on the other, they have no authority vested in them to coerce or censure either way. Their attitude toward the Houses must always be that of deference, their language that of respect, if not submission. Still more must their attitude and language toward the sovereign be the same in principle, and yet more marked in form, and this, though upon them lies the ultimate responsibility of deciding what shall be done in the crown's name in every branch of administration, and every department of policy, coupled only with the alternative of ceasing to be ministers, if what they may advisedly deem the requisite power of action be denied them.

In the ordinary administration of the government the sovereign personally is, so to speak, behind the scenes; performing, indeed, many personal acts by the sign-manual, or otherwise; but, in each and all of them, covered by the counter-signature or advice of ministers who stand between the august personage and the people. There is, accordingly, no more power, under the form of our Constitution, to assail the monarch in his personal capacity, or to assail through him the line of succession to the crown, than there is at chess to put the king in check. In truth, a good deal, though by no means the whole, of the philosophy of the British Constitution is represented in this central point of the wonderful game, against which the only reproach—the reproach of Lord Bacon—is that it is hardly a relaxation, but rather a serious tax upon the brain.

The sovereign in England is the symbol of the nation's unity, and the apex of the social structure; the maker (with advice) of the laws; the supreme governor of the Church; the fountain of justice; the sole source of honor; the person to whom all military, all naval, all civil service is rendered. The sovereign owns very large properties; receives and holds, in law, the entire revenue of the state; appoints and dismisses ministers; makes treaties; pardons crime, or abates its punishment; wages war, or concludes peace; summons and dissolves the Parliament; exercises these vast powers for the most part without any specified restraint of law; and yet enjoys, in regard to these and every other function, an absolute immunity from consequences. There is no provision in the law of the United Empire, or in the machinery of the Constitution, for calling the sovereign to account;

and only in one solitary and improbable but perfectly defined case—that of his submitting to the jurisdiction of the pope—is he deprived by statute of the throne. Setting aside that peculiar exception, the offspring of a necessity still freshly felt when it was made, the Constitution might seem to be founded on the belief of a real infallibility in its head. Less, at any rate, cannot be said than this. Regal right has, since the Revolution of 1688, been expressly founded upon contract; and the breach of that contract destroys the title to the allegiance of the subject. But no provision, other than the general rule of hereditary succession, is made to meet either this case or any other form of political miscarriage or misdeed. It seems as though the genius of the nation would not stain its lips by so much as the mere utterance of such a word; nor can we put this state of facts into language more justly than by saying that the Constitution would regard the default of the monarch with his heirs as the chaos of the state, and would simply trust to the inherent energies of the several orders of society for its legal reconstruction.

The original authorship of the representative system is commonly accorded to the English race. More clear and indisputable is its title to the great political discovery of constitutional kingship. And a very great discovery it is. Whether it is destined, in any future day, to minister in its integrity to the needs of the New World, it may be hard to say. In that important branch of its utility which is negative, it completely serves the purposes of the many strong and rising colonies of Great Britain, and saves them all the perplexities and perils attendant upon successions to the headship of the Executive. It presents to them, as it does to us, the symbol of unity, and the object of all our political veneration, which we love to find rather in a person than in an abstract entity, like the state. But the Old World, at any rate, still is, and may long continue, to constitute the living centre of civilization, and to hold the primacy of the race; and of this great society the several members approximate, in a rapidly-extending series, to the practice and idea of constitutional kingship. The great states of Christendom, with only two exceptions, have, with more or less distinctness adopted it. Many of them, both great and small, have thoroughly assimilated it to their system. The autocracy of Russia, and the Republic of France, each of them congenial to

the present wants of the respective countries, may yet, hereafter, gravitate toward the principle which elsewhere has developed so great an attractive power. Should the current that has prevailed through the last half-century maintain its direction and its strength, another fifty years may see all Europe adhering to the theory and practice of this beneficent institution, and peaceably sailing in the wake of England.

No doubt, if tried by an ideal standard, it is open to criticism. Aristotle and Plato, nay, Bacon, and perhaps Leibnitz, would have scouted it as a scientific abortion. Some men would draw disparaging comparisons between the mediæval and the modern king. In the person of the first was normally embodied the force paramount over all others in the country, and on him was laid a weight of responsibility and toil so tremendous that his function seems always to border upon the superhuman; that his life commonly wore out before the natural term; and that an indescribable majesty, dignity, and interest, surround him in his misfortunes, nay, almost in his degradation; as, for instance, amid

“The shrieks of death, through Berkeley’s roof that ring—  
Shrieks of an agonizing king.”\*

For this concentration of power, toil, and liability, milder realities have now been substituted; and ministerial responsibility comes between the monarch and every public trial of necessity, like armor between the flesh and the spear that would seek to pierce it; only this is an armor at once living and impregnable. It may be said by an adverse critic that the constitutional monarch is only a depository of power, as an armory is a depository of arms; but that those who wield the arms, and those alone, constitute the true governing authority. And no doubt this is so far true, that the scheme aims at associating in the work of government with the head of the state the persons best adapted to meet the wants and wishes of the people, under the condition that the several aspects of supreme power shall be severally allotted; dignity and visible authority shall lie wholly with the wearer of the crown, but labor mainly, and responsibility wholly, with its servants. Hence, without doubt, it follows that, should differ-

\* Gray’s “Bard.”

ences arise, it is the will of those, in whose minds the work of government is elaborated, that in the last resort must prevail. This capital and vital consequence flows out of the principle that the political action of the monarch shall everywhere be mediate, and conditional upon the concurrence of confidential advisers. It is impossible to reconcile any, even the smallest, abatement of this doctrine with the perfect, absolute immunity of the sovereign from consequences. There can be in England no disloyalty more gross, as to its effects, than the superstition which affects to assign to the sovereign a separate, and, so far as separate, transcendental, sphere of political action. Anonymous servility has, indeed, in these last days, hinted such a doctrine;\* but it is no more practicable to make it thrive in England than to rear the jungles of Bengal on Salisbury Plain.

There is, indeed, one great and critical act, the responsibility for which falls momentarily or provisionally on the sovereign: it is the dismissal of an existing ministry, and the appointment of a new one. This act is usually performed with the aid drawn from authentic manifestations of public opinion, mostly such as are obtained through the votes or conduct of the House of Commons. Since the reign of George III. there has been but one change of ministry in which the monarch acted without the support of these indications. It was when William IV., in 1834, dismissed the government of Lord Melbourne, which was known to be supported, though after a lukewarm fashion, by a large majority of the existing House of Commons. But the royal responsibility was, according to the doctrine of our Constitution, completely taken over, *ex post facto*, by Sir Robert Peel, as the person who consented, on the call of the king, to take Lord Melbourne's office. Thus, though the act was rash, and hard to justify, the doctrine of personal immunity was in no way endangered. And here we may notice that in theory an absolute personal immunity implies a correlative limitation of power, greater than is always found in practice. It can hardly be said that the king's initiative left to Sir Robert Peel a freedom perfectly unimpaired. And most certainly it was a very real exercise of personal power. The power did not suffice for its end, which was to upset the Liberal predominance; but it very

\* *Quarterly Review*, April, 1878, Article I.

nearly sufficed. Unconditionally entitled to dismiss the ministers, the sovereign can, of course, choose his own opportunity. He may defy the Parliament, if he can count upon the people. William IV., in the year 1834, had neither Parliament nor people with him. His act was within the limits of the Constitution, for it was covered by the responsibility of the acceding ministry. But it reduced the Liberal majority from a number certainly beyond three hundred to about thirty; and it constituted an exceptional but very real and large action on the politics of the country, by the direct will of the king. I speak of the immediate effects. Its eventual result may have been different; for it converted a large, disjointed mass into a smaller but organized and sufficient force, which held the fortress of power for the six years 1835-'41. If the royal intervention anticipated and averted decay from natural causes, then, with all its immediate success, it defeated its own real aim.

But this power of dismissing a ministry at will, large as it may be under given circumstances, is neither the safest nor the only power which, in the ordinary course of things, falls constitutionally to the personal share of the wearer of the crown. He is entitled, on all subjects coming before the ministry, to knowledge and opportunities of discussion, unlimited save by the iron necessities of business. Though decisions must ultimately conform to the sense of those who are to be responsible for them, yet their business is to inform and persuade the sovereign, not to overrule him. Were it possible for him, within the limits of human time and strength, to enter actively into all public transactions, he would be fully entitled to do so. What is actually submitted is supposed to be the most fruitful and important part, the cream of affairs. In the discussion of them the monarch has more than one advantage over his advisers. He is permanent, they are fugitive; he speaks from the vantage-ground of a station unapproachably higher; he takes a calm and leisurely survey, while they are worried with the preparatory stages, and their force is often impaired by the pressure of countless detail. He may be, therefore, a weighty factor in all deliberations of state. Every discovery of a blot, that the studies of the sovereign in the domain of business enable him to make, strengthens his hands and enhances his authority. It is plain, then, that there is abundant

scope for mental activity to be at work under the gorgeous robes of royalty.

This power takes spontaneously the form of influence, and the amount of it depends on a variety of circumstances—on talent, experience, tact, weight of character, steady, untiring industry, and habitual presence at the seat of government. In proportion as any of these might fail, the real and legitimate influence of the monarch over the course of affairs would diminish; in proportion as they attain to fuller action, it would increase. It is a moral, not a coercive influence. It operates through the will and reason of the ministry, not over or against them. It would be an evil and a perilous day for the monarchy were any prospective possessor of the crown to assume or claim for himself final, or preponderating, or even independent power, in any one department of the state. The ideas and practice of the time of George III., whose will in certain matters limited the action of the ministers, cannot be revived, otherwise than by what would be, on their part, nothing less than a base compliance, a shameful subserviency, dangerous to the public weal, and, in the highest degree, disloyal to the dynasty. Because, in every free state, for every public act, some one must be responsible; and the question is, "Who shall it be?" The British Constitution answers, "The minister, and the minister exclusively." That he may be responsible, all action must be fully shared by him. Sole action, for the sovereign, would mean undefended, unprotected action; the armor of irresponsibility would not cover the whole body against sword or spear; a head would project beyond the awning, and would invite a sunstroke.

The reader, then, will clearly see that there is no distinction more vital to the practice of the British Constitution, or to a right judgment upon it, than the distinction between the sovereign and the crown. The crown has large prerogatives, endless functions essential to the daily action, and even the life, of the state. To place them in the hands of persons who should be mere tools of a royal will, would expose those powers to constant unsupported collision with the living forces of the nation, and to a certain and irremediable crash. They are, therefore, intrusted to men who must be prepared to answer for the use they make of them. This ring of responsible ministerial agency forms a fence around the



person of the sovereign, which has thus far proved impregnable to all assaults. The august personage who from time to time may rest within it, and who may possess the art of turning to the best account the countless resources of the position, is no dumb and senseless idol; but, together with real and very large means of influence upon policy, enjoys the undivided reverence which a great people feels for its head; and is likewise the first and by far the weightiest among the forces which greatly mould, by example and legitimate authority, the manners, nay, the morals, of a powerful aristocracy and a wealthy and highly-trained society. The social influence of a sovereign, even if it stood alone, would be an enormous attribute. The English people are not believers in equality; they do not, with the famous Declaration of July 4, 1776, think it to be a self-evident truth that all men are born equal. They hold rather the reverse of that proposition. At any rate, in practice they are what I may call determined unequalitarians; nay, in some cases, even without knowing it. Their natural tendency, from the very base of British society, and through all its strongly-built gradations, is to look upward; they are not apt to "untune degree." The sovereign is the highest height of the system; is, in that system, like Jupiter among the Roman gods, first without a second:

"Nec vigit quicquam simile aut secundum."\*

Not, like Mont Blanc, with rivals in his neighborhood, but like Ararat or Etna, towering alone and unapproachable. The step downward from the king to the second person in the realm is not like that from the second to the third: it is more even than a stride, for it traverses a gulf. It is the wisdom of the British Constitution to lodge the personality of its chief so high that none shall under any circumstances be tempted to vie, or to dream of vying, with it. The office, however, is not confused, though it is associated, with the person; and the elevation of official dignity in the monarch of these realms has now for a testing period worked well in conjunction with the limitation of merely personal power.

In the face of the country the sovereign and the ministers are an absolute unity. The one may concede to the other; but the

\* Hor., Od. I., xii., 18.

limit of concessions by the sovereign is at the point where he becomes willing to try the experiment of changing his government; and the limit of concession by the ministers is at the point where they become unwilling to bear what in all circumstances they must bear while they remain ministers, the undivided responsibility of all that is done in the crown's name. But it is not with the sovereign only that the ministry must be welded into identity. It has a relation to sustain to the House of Lords, which need not, however, be one of entire unity, for the House of Lords, though a great power in the state, and able to cause great embarrassment to an administration, is not able by a vote to doom it to capital punishment. Only for fifteen years, out of the last fifty, has the ministry of the day possessed the confidence of the House of Lords. On the confidence of the House of Commons it is immediately and vitally dependent. This confidence it must always possess, either absolutely from identity of political color, or relatively and conditionally. This last case arises when an accidental dislocation of the majority in the Chamber has put the machine for the moment out of gear, and the unsafe experiment of a sort of provisional government is tried; much as the Roman Conclave has sometimes been satisfied with a provisional pope, deemed likely to live for the time necessary to reunite the fractions of the prevailing party.

I have said that the cabinet is essentially the regulator of the relations between king, Lords, and Commons, exercising functionally the powers of the first, and incorporated, in the persons of its members, with the second and the third. It is, therefore, itself a great power. But let no one suppose it is the greatest. In a balance nicely poised a small weight may turn the scale, and the helm that directs the ship is not stronger than the ship. It is a cardinal axiom of the modern British Constitution that the House of Commons is the greatest of the powers of the state. It might, by a base subserviency, fling itself at the feet of a monarch or a minister; it might in a season of exhaustion allow the slow persistence of the Lords, ever eying it as Lancelot was eyed by Modred, to invade its just province by baffling its action at some time propitious for the purpose. But no constitution can anywhere keep either sovereign, or Assembly, or nation, true to its trust and to itself. All that can be done has been done. The

Commons are armed with ample powers of self-defense. If they use their powers properly, they can only be mastered by a recurrence to the people, and the way in which the appeal takes effect is by the choice of another House of Commons more agreeable to the national temper. Thus the sole appeal from the verdict of the House is a rightful appeal to those from whom it received its commission.

This superiority in power among the state forces was in truth established even before the House of Commons became what it now is, representative of the people throughout its entire area. In the early part of the century a large part of its members virtually received their mandate from members of the peerage, or from the crown, or by the direct action of money on a mere handful of individuals, or, as in Scotland, for example, from constituencies whose limited numbers and upper-class sympathies usually shut out popular influences. A real supremacy belonged to the House as a whole; but the forces of which it was compounded were not all derived from the people, and the aristocratic power had found out the secret of asserting itself within the walls of the popular Chamber, in the dress and through the voices of its members. Many persons of gravity and weight saw great danger in a change like the first Reform Act, which left it to the Lords to assert themselves thereafter by an external force, instead of through a share in the internal composition of a body so formidable. But the result proved that they were sufficiently to exercise, through the popular will and choice, the power which they had formerly put in action without its sanction, though within its proper precinct and with its title falsely inscribed.

The House of Commons is superior, and by far superior, in the force of its political attributes, to any other single power in the state. But it is watched; it is criticised; it is hemmed in and about by a multitude of other forces: the force, first of all, of the House of Lords, the force of opinion from day to day, particularly of the highly anti-popular opinion of the leisured men of the metropolis, who, seated close to the scene of action, wield an influence greatly in excess of their just claims; the force of the classes and professions; the just and useful force of the local authorities in their various orders and places. Never

was the great problem more securely solved, which recognizes the necessity of a paramount power in the body politic to enable it to move, but requires for it a depositary such that it shall be safe against invasion, and yet inhibited from aggression.

The old theories of a mixed government, and of the three powers, coming down from the age of Cicero, when set by the side of the living British Constitution, are cold, crude, and insufficient, to a degree that makes them deceptive. There is still lacking an amalgam, a reconciling power, what may be called a clearing-house of political forces, which shall receive into itself everything, and shall balance and adjust everything, and, ascertaining the net result, let it pass on freely for the fulfillment of the purposes of the great social union. Like a stout buffer-spring, it receives all shocks, and within it their opposing elements neutralize one another. This is the function of the British cabinet. It is perhaps the most curious formation in the political world of modern times, not for its dignity, but for its subtilty, its elasticity, and its many-sided diversity of power. It is the complement of the entire system; which appears to want nothing but a thorough loyalty in the persons composing its several parts, with a reasonable intelligence, to insure its bearing, without fatal damage, the wear and tear of ages yet to come.

It has taken more than a couple of centuries to bring the British cabinet to its present accuracy and fullness of development; for the first rudiments of it may perhaps be discerned in the reign of Charles I. Under Charles II. it had fairly started from its embryo; and the name is found in the contemporary diary of Pepys. It was for a long time without a ministerial head; the king was the head. While this arrangement subsisted constitutional government could be but half established. Of the numerous titles of the Revolution of 1688 to respect, not the least remarkable is this, that the great families of the country, and great powers of the state, made no effort, as they might have done, in the hour of its weakness, to aggrandize themselves at the expense of the crown. Nevertheless, for various reasons, and, among them, because of the foreign origin, and absences from time to time, of several sovereigns, the course of events tended to give force to the organs of government actually on the

spot, and thus to consolidate, and also to uplift, this as yet novel creation. So late, however, as the impeachment of Sir Robert Walpole, his friends thought it expedient to urge on his behalf in the House of Lords that he had never presumed to constitute himself a prime-minister.

The breaking down of the great offices of state by throwing them into commission, and last among them of the Lord High Treasurership after the time of Harley, Earl of Oxford, tended, and may probably have been meant, to prevent or retard the formation of a recognized chiefship in the ministry, which even now we have not learned to designate by a true English word, though the use of the imported phrase "premier" is at least as old as the poetry of Burns. Nor can anything be more curiously characteristic of the political genius of the people than the present position of this most important official personage. Departmentally, he is no more than the first named of five persons, by whom jointly the powers of the Lord Treasurership are taken to be exercised; he is not their master, or, otherwise than by mere priority, their head; and he has no special function or prerogative under the formal constitution of the office. He has no official rank, except that of a privy councilor. Eight members of the cabinet, including five Secretaries of State, and several other members of the Government, take official precedence of him. His rights and duties as head of the administration are nowhere recorded. He is almost, if not altogether, unknown to the statute law.

Nor is the position of the body over which he presides less singular than his own. The cabinet wields, with partial exceptions, the powers of the Privy Council, besides having a standing-ground, in relation to the personal will of the sovereign, far beyond what the Privy Council ever held or claimed. Yet it has no connection with the Privy Council, except that every one, on first becoming a member of the cabinet, is, if not belonging to it already, sworn a member of that body. There are other sections of the Privy Council, forming regular committees for education and for trade. But the cabinet has not even this degree of formal sanction to sustain its existence. It lives and acts simply by understanding, without a single line of written law or constitution to determine its relations to the monarch, or to the

Parliament, or to the nation ; or the relations of its members to one another, or to their head. It sits in the closest secrecy. There is no record of its proceedings, nor is there any one to hear them, except upon the very rare occasions when some important functionary, for the most part military or legal, is introduced, *pro hac vice*, for the purpose of giving to it necessary information.

Every one of its members acts in no less than three capacities : as administrator of a department of state ; as member of a legislative chamber ; and as a confidential adviser of the crown. Two at least of them add to those three characters a fourth ; for, in each House of Parliament, it is indispensable that one of the principal ministers should be what is termed its leader. This is an office the most indefinite of all, but not the least important. With very little of defined prerogative, the leader suggests, and in a great degree fixes, the course of all principal matters of business, supervises and keeps in harmony the action of his colleagues, takes the initiative in matters of ceremonial procedure, and advises the House in every difficulty as it arises. The first of these, which would be of but secondary consequence where the Assembly had time enough for all its duties, is of the utmost weight in our overcharged House of Commons, where, notwithstanding all its energy and all its diligence, for one thing of consequence that is done, five or ten are despairingly postponed. The overweight, again, of the House of Commons is apt, other things being equal, to bring its leader inconveniently near in power to a prime-minister, who is a peer. He can play off the House of Commons against his chief ; and instances might be cited, though they are happily most rare, when he has served him very ugly tricks.

The nicest of all the adjustments involved in the working of the British Government is that which determines, without formally defining, the internal relations of the cabinet. On the one hand, while each minister is an adviser of the crown, the cabinet is a unity, and none of its members can advise as an individual, without, or in opposition actual or presumed to, his colleagues. On the other hand, the business of the state is a hundred-fold too great in volume to allow of the actual passing of the whole under the view of the collected ministry. It is therefore a prime

office of discretion for each minister to settle what are the departmental acts in which he can presume the concurrence of his colleagues, and in what more delicate, or weighty, or peculiar cases he must positively ascertain it. So much for the relation of each minister to the cabinet ; but here we touch the point which involves another relation, perhaps the least known of all, his relation to its head.

The head of the British Government is not a grand-vizier ; he has no powers, properly so called, over his colleagues ; on the rare occasions when a cabinet determines its course by the votes of its members, his vote counts only as one of theirs. But they are appointed and dismissed by the sovereign on his advice. In a perfectly-organized administration, such for example as was that of Sir Robert Peel in 1841-'46, nothing of great importance is matured, or would even be projected, in any department without his personal cognizance ; and any weighty business would commonly go to him before being submitted to the cabinet. He reports to the sovereign its proceedings, and he also has many audiences of the august occupant of the throne. He is bound, in these reports and audiences, not to counterwork the cabinet ; not to divide it ; not to undermine the position of any of his colleagues in the royal favor. If he departs in any degree from strict adherence to these rules, and uses his great opportunities to increase his own influence, or pursue aims not shared by his colleagues, then, unless he is prepared to advise their dismissal, he not only departs from rule, but commits an act of treachery and baseness. As the cabinet stands between the sovereign and the Parliament, and is bound to be loyal to both, so he stands between his colleagues and the sovereign, and is bound to be loyal to both.

As a rule, the resignation of the first minister, as if removing the bond of cohesion in the cabinet, has the effect of dissolving it. A conspicuous instance of this was furnished by Sir Robert Peel in 1846, when the dissolution of the administration, after it had carried the repeal of the Corn Laws, was understood to be due not so much to a united deliberation and decision as to his initiative. The resignation of any other minister only creates a vacancy. In certain circumstances, the balance of forces may be so delicate and susceptible that a single resignation will break up the Government ; but what is the rule in the one case is the rare

exception in the other. The prime-minister has no title to override any one of his colleagues in any one of the departments. So far as he governs them, unless it is done by trick, which is not to be supposed, he governs them by influence only. Upon the whole, nowhere in the wide world does so great a substance cast so small a shadow ; nowhere is there a man who has so much power, and so little to show for it in the way of formal title or prerogative.

The slight record that has here been traced may convey but a faint idea of a unique creation. Yet, slight as it is, I believe it tells more than, except in the school of British practice, is elsewhere to be learned of a machine so subtly balanced that it seems as though it were moved by something as delicate and slight as the main-spring of a watch. It has not been the offspring of the thought of man. The cabinet, and all the present relations of the constitutional powers in this country, have grown into their present dimensions, and settled into their present places, not as the fruit of a philosophy, not in the effort to give effect to an abstract principle ; but by the silent action of forces, invisible and insensible, the structure has come up into the view of all the world. It is, perhaps, the most conspicuous object on the wide political horizon ; but it has thus risen, without noise, like the Temple of Jerusalem.

“No workman steel, no ponderous hammers rung ;  
Like some tall palm the stately fabric sprung.”\*

When men repeat the proverb which teaches us that “marriages are made in heaven,” what they mean is that, in the most fundamental of all social operations, the building up of the family, the issues involved in the nuptial contract lie beyond the best exercise of human thought, and the unseen forces of providential government make good the defect in our imperfect capacity. Even so would it seem to have been in that curious marriage of competing influences and powers, which brings about the composite harmony of the British Constitution. More, it must be admitted, than any other, it leaves open doors which lead into blind alleys ; for it presumes, more boldly than any other, the

\* “*Heberis Palestina.*”



good sense and good faith of those who work it. If, unhappily, these personages meet together, on the great arena of a nation's fortunes, as jockeys meet upon a race-course, each to urge to the uttermost, as against the others, the power of the animal he rides, or as counsel in a court, each to procure the victory of his client without respect to any other interest or right—then this boasted Constitution of ours is neither more nor less than a heap of absurdities. The undoubted competency of each reaches even to the paralysis or distraction of the rest. The House of Commons is entitled to refuse every shilling of the supplies. That House, and also the House of Lords, is entitled to refuse its assent to every bill presented to it. The crown is entitled to make a thousand peers to-day and as many to-morrow; it may dissolve all and every Parliament before it proceeds to business; may pardon the most atrocious crimes; may declare war against all the world; may conclude treaties involving unlimited responsibilities, and even vast expenditure, without the consent, nay, without the knowledge, of Parliament, and this not merely in support or in development, but in reversal, of policy already known to and sanctioned by the nation. But the assumption is that the depositaries of power will all respect one another; will evince a consciousness that they are working in a common interest for a common end; that they will be possessed together with not less than an average intelligence, of not less than an average sense of equity and of the public interest and rights. When these remarkable expectations fail, then, it must be admitted, the British Constitution will be in danger.

Apart from such contingencies, the offspring only of folly or of crime, this Constitution is peculiarly liable to subtle change. Not only in the long-run, as man changes between youth and age, but also, like the human body, with a quotidian life, a periodical recurrence of ebbing and flowing tides. Its old particles daily run to waste, and give place to new. What is hoped among us is that which has usually been found, that evils will become palpable before they have grown to be intolerable.

There cannot, for example, be much doubt, among careful observers, that the great conservator of liberty in all former times, namely, the confinement of the power of the purse to the

popular Chamber, has been lamentably weakened in its efficiency of late years—weakened in the House of Commons, and weakened by the House of Commons. It might, indeed, be contended that the House of Commons of the present epoch does far more to increase the aggregate of public charge than to reduce it. It might even be a question whether the public would take benefit if the House were either intrusted annually with a great part of the initiative, so as to be really responsible to the people for the spending of their money, or else were excluded from part, at least, of its direct action upon expenditure, intrusting to the executive the application of given sums, which that executive should have no legal power to exceed.

Meantime we of this island are not great political philosophers; and we contend with an earnest, but disproportioned, vehemence about changes which are palpable, such as the extension of the suffrage, or the redistribution of parliamentary seats, neglecting wholly other processes of change which work beneath the surface, and in the dark, but which are even more fertile of great organic results. The modern English character reflects the English Constitution in this, that it abounds in paradox; that it possesses every strength, but holds it tainted with every weakness; that it seems alternately both to rise above, and to fall below, the standards of average humanity; that there is no allegation of praise or blame which, in some one of the aspects of its many-sided formation, it does not deserve; that only in the midst of much default, and much transgression, the people of this United Kingdom either have heretofore established, or will hereafter establish, their title to be reckoned among the children of men for the eldest-born of an imperial race.

In this imperfect survey I have carefully avoided all reference to the politics of the day and to particular topics, recently opened, which may have undergone a great development before these lines appear in print on the other side of the Atlantic. Such reference would, without any countervailing advantage, have lowered the strain of these remarks, and would have complicated with painful considerations a statement essentially impartial and general in its scope.

For the yet weightier reason of incompetency, I have avoided

the topics of chief present interest in America, including that proposal to tamper with the true monetary creed, which the Tempter lately presented to the nation in the Silver Bill. But I will not close this paper without recording my conviction that the great acts, and the great forbearances, which immediately followed the close of the civil war, form a group which will ever be a noble object, in his political retrospect, to the impartial historian ; and that, proceeding as they did from the free choice and conviction of the people, and founded as they were on the very principles of which the multitude is supposed to be least tolerant, they have, in doing honor to the United States, also rendered a splendid service to the general cause of popular government throughout the world.

W. E. GLADSTONE.

*July 26, 1878.*